

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA)	
)	
v.)	CRIMINAL NO. 04-10194-RCL
)	
ANTHONY BUCCI)	
)	
Defendant)	

**GOVERNMENT'S OPPOSITION TO DEFENDANT BUCCI'S
MOTION FOR RECONSIDERATION**

The United States of America by and through Assistant United States Attorney John T. McNeil, respectfully files this opposition to Defendant Bucci's Motion for Reconsideration (Doc. No. 336). For the reasons set forth in the Government's Partial Opposition to Defendant Bucci's Motion for Further Extension of Time and to Continue Sentencing (Doc.No. 316), the government respectfully requests that the Court deny Bucci's renewed motion to permit him to file – six months late – a motion for a new trial. Bucci's renewed motion conflicts with both the letter and the spirit of Fed.R.Crim.Pro. 45(b)(2) and 33. Moreover, to the extent that he has not waived them, Bucci can raise his claims of instructional error on direct appeal, and he can raise his claim of ineffective assistance of counsel claim in a petition pursuant to 28 U.S.C. §2255.

Respectfully submitted,

MICHAEL J. SULLIVAN
United States Attorney

October 3, 2006

By: /s/ John T. McNeil
JOHN T. McNEIL
Assistant U.S. Attorney

CERTIFICATE OF SERVICE

I, John T. McNeil, Assistant United States Attorney, do hereby certify that this document, filed through ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and that paper copies will be sent to those indicated as non registered participants on this date.

/s/ John T. McNeil

JOHN T. McNEIL
Assistant U.S. Attorney